

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**DEFENDANT GOOGLE LLC'S
UNOPPOSED MOTION TO IMPOUND/SEAL DESIGNATED MATERIAL**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), (Dkt. No. 87), Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal) the following materials filed in support of Google’s Motion *in Limine* filed today:

1. An un-redacted copy of Google’s Motion *in Limine*.
2. Certain exhibits to the Phung Declaration that accompanies Google’s Motion *in Limine*. The following exhibits to the Phung Declaration contain information that Google or Singular has designated as containing “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” information.

- **Exhibit 1:** STX-876 SINGULAR-00018281
- **Exhibit 2:** STX-277 GOOG-SING-00028357
- **Exhibit 3:** STX-337 GOOG-SING-00083457
- **Exhibit 4:** STX-890 SINGULAR-00018392
- **Exhibit 5:** STX-353 GOOG-SING-00083532
- **Exhibit 6:** STX-907 SINGULAR-00026942

- **Exhibit 7:** STX-346 GOOG-SING-00083496
- **Exhibit 8:** STX-336 GOOG-SING-00083453
- **Exhibit 9:** STX-368 GOOG-SING-00083650
- **Exhibit 10:** STX-565 GOOG-SING-00241421
- **Exhibit 11:** STX-830 SINGULAR-00004970
- **Exhibit 12:** STX-582 GOOG-SING-00242356
- **Exhibit 13:** STX-282 GOOG-SING-00029804
- **Exhibit 14:** STX-289 GOOG-SING-00032398
- **Exhibit 15:** STX-866 SINGULAR-00018236
- **Exhibit 16:** STX-287 GOOG-SING-00032375
- **Exhibit 17:** Excerpts from the July 20, 2021 deposition of Joseph Bates
- **Exhibit 18:** Excerpts from the December 22, 2022 expert report of Mr. Philip Green
- **Exhibit 19:** STX-484 GOOG-SING-00209017
- **Exhibit 20:** GOOG-SING-00242399
- **Exhibit 22:** Excerpts from the December 22, 2022 expert report of Prof. Sunil Khatri
- **Exhibit 23:** Excerpts from the April 29, 2021 deposition of Catherine Tornabene
- **Exhibit 24:** Excerpts from the July 21, 2022 deposition of Jeffrey Dean
- **Exhibit 25:** Excerpts from the May 28, 2021 deposition of Obi Felten
- **Exhibit 34:** Excerpts from the March 3, 2023 expert report of Prof. Sunil Khatri
- **Exhibit 35:** Excerpts from the March 24, 2023 deposition of Prof. Sunil Khatri
- **Exhibit 37:** STX-834 SINGULAR-00006867

- **Exhibit 38:** STX-835 SINGULAR-00006870
- **Exhibit 39:** STX-843 SINGULAR-00012519
- **Exhibit 42:** STX-2009 SINGULAR-00015244
- **Exhibit 44:** Excerpts from the July 15, 2021 deposition of James Laudon

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information,” and to designate documents as “Highly Confidential – Attorneys’ Eyes Only” after making a good-faith determination that the documents contain information that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause economic harm or significant competitive disadvantage. Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to such Protected Material bring a motion to impound. *Id.* ¶ 14.

Google’s above-identified documents contain confidential information designated Confidential or Highly Confidential – Attorneys’ Eyes Only under the Protective Order that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause Google economic harm or significant competitive disadvantage.

Submission of the above-identified exhibits is necessary to permit the Court to fully evaluate the issues raised in Google’s Motion *in Limine*. Google therefore brings this Motion to Impound to seal the above-identified documents. Additionally, Google has filed a redacted version of its Motion *in Limine*, which redacts the Google confidential information discussed above, public disclosure of which would risk competitive harm to Google.

For the foregoing reasons, Google respectfully requests that the Court permit it to file the

above-identified documents under seal. Google further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Google's counsel.

Respectfully submitted,

Dated: December 5, 2023

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LOCAL RULE 7.1(a)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I certify that, on December 5, 2023, counsel for Defendant Google LLC and counsel for Plaintiff Singular Computing LLC met and conferred in good faith regarding resolution of this motion. Counsel for Plaintiff stated that it does not oppose the relief requested in this motion.

/s/ Nathan R. Speed
Nathan R. Speed

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed